

### REMARKS

In response to the final rejection of the claims as set forth in the above-identified Office Action, Applicants have again revised independent Claims 8 and 14 in a manner which is believed to patentably distinguish those claims over the rejecting references.

In this regard, independent Claim 8 requires first and second photoelectric conversion units, each of which includes a plurality of photoelectric conversion elements. Claim 8 was rejected in view of a hypothetical view of the cited Stauffer and Fossum patents. The position set forth in paragraph 3 of the Office Action is that Stauffer discloses an image pickup apparatus having first, second, third, and fourth conversion units, each of which includes a plurality of photoelectric conversion elements. As acknowledged by the Examiner, however, Stauffer does not disclose holding units adapted to hold signals from the respective photoelectric conversion units, including at least the same number of capacitors as the number of the plurality of conversion elements. Moreover, as acknowledged in the Office Action, Stauffer does not disclose a common output line on which signals from the plurality of capacitors are read out sequentially, nor switches between the holding units and the conversion units. These deficiencies of Stauffer as a rejecting reference are allegedly supplied by the Fossum patent, but Applicants submit that Fossum, if combined with Stauffer, would not disclose Applicants' claimed invention. Particularly, Fossum does not disclose a plurality of conversion elements in each unit. Therefore, Fossum also fails to disclose a plural number of capacitors at least equal in number to a plural number of photoelectric conversion elements. Instead, Fossum

discloses that each unit, such as pixel cell 10, includes only one photoelectric conversion element, not a plural number of elements as required in Applicants' Claim 8. Thus, the single photoelectric conversion element and the single holding capacitor 205, for example, in Fossum cannot be deemed to suggest a plural number of such conversion elements in each photoelectric conversion unit. For these reasons it is believed that amended independent Claim 8, as well as each of its dependent Claims 9-13 are in condition for allowance over the cited references.

Independent Claim 14 has also been amended, and it too requires that an image pickup area includes a plurality of first photoelectric conversion elements and a second such element. Claim 14 also requires that the photoelectric conversion elements are arranged so that focusing is adjusted using signals from the plurality of first conversion elements, but without using a signal from the second conversion element. In this regard, as acknowledged by the Examiner in paragraph 4 of the Office Action the Stauffer and Fossum patents do not disclose a focus adjustment based on signals from photoelectric conversion elements. However, the cited Van Berkel patent which is relied upon in the Office Action as overcoming the deficiencies of Stauffer and Fossum as rejecting references, does not suggest the claimed requirement now added to Claim 14, which states "wherein said image pickup apparatus is arranged so that focusing is adjusted using the signals from the first photoelectric conversion elements but not the signal from the second photoelectric conversion element".

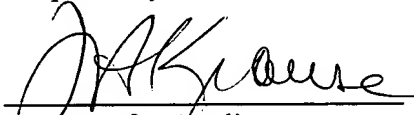
Thus, while the Van Berkel patent discloses the concept of adjusting a focal length of a microlens 6, such adjustment is effected by applying a voltage to electrodes 8a and 8b to change a refractive index of an electro-optic material 8, that reference does not

teach focal adjustment using signals from predetermined conversion elements in an image pickup area. Accordingly, Applicants submit that independent Claim 14 and dependent Claim 15 are patentably distinct over the cited references.

For all these reasons it is respectfully submitted that the application should now be deemed to be in allowable form, and a formal Notice of Allowance is solicited.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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